

### **REMARKS**

This responds to the Office Action dated October 5, 2005.

Claims 55 and 57 are amended, claims 1-5, 7-9, 42-44, 49-53, 59-63, and 66-77 are canceled, and claims 78-84 are added; as a result, claims 55-58, 64, 65, and 78-84 are now pending in this application.

### **Declaration Under 37 C.F.R. 1.131**

The declaration filed on July 13, 2005 under 37 C.F.R. 1.131 was considered but was asserted to be ineffective to overcome the Miltich et al. reference. The Examiner objected to the declaration since the Examiner believed the declaration did not establish possession of all of the claimed subject matter. Applicant has amended claim 55 to overcome this objection and Applicant believes the declaration filed July 13, 2005 is now effective to overcome the Miltich et al. reference, as discussed below.

### **§102 Rejection of the Claims**

Claims 1-5, 7-9, 42-44, 49-53, 55-59, 61, 64, 66-70 and 72-76 were rejected under 35 U.S.C. § 102(e) as being anticipated by Miltich et al. (U.S. Patent No. 6,402,793).

Claims 1-5, 7-9, 42-44, 49-53, 59, 61, 66-70 and 72-76 are cancelled without prejudice or disclaimer.

### **Claims 55-58 and 64**

Applicant submits that there are numerous distinctions between the subject matter recited in claims 55-58 and 64 and the subject matter discussed in the Miltich et al. reference. However, Applicant relies on the declaration of Brian L. Schmidt, under 37 CFR 1.131, which was filed on July 13, 2005. The declaration swears behind June 30, 2000, the effective filing date of the Miltich et al. patent. Accordingly, Applicant submits that the Miltich patent is unavailable as prior art against the present claims. Reconsideration and allowance is respectfully requested.

§103 Rejection of the Claims

Claims 1-5, 7-9, 49, 50-52, 55, 57, 58, 66-68, 69, 72-74 and 75 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Macpherson (U.S. Patent No. 1,474,486) in view of Rayno (U.S. Patent No. 3,389,311).

Claims 1-5, 7-9, 49, 50-52, 66-68, 69, 72-74, and 75 are cancelled without prejudice or disclaimer.

Claims 55, 57, and 58

Applicant has amended claim 55 to better describe the subject matter recited in the claim. Applicant believes claim 55 is not obvious in view of the cited references since, even if combined, the combination does not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the combination: welding the first portion to the second portion to form a mechanical and electrical connection between the conductor and the first portion and the second portion of the case, as recited in claim 55.

Claims 57 and 58 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 60, 62, 63, 65, 71 and 77 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miltich et al. (U.S. Patent No. 6,402,793) in view of Rorvick et al. (U.S. Patent No. 6,009,348).

Claims 60, 62, 63, 71, and 77 are cancelled without prejudice or disclaimer.

Claim 65 depends from claim 55 and Applicant relies on the Schmidt declaration, as discussed above.

Claims 6 and 54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miltich et al. (U.S. Patent No. 6,402,793) in view of Kemkers et al. (U.S. Patent No. 3,938,228). Applicant notes that claims 6 and 54 were previously cancelled from the pending application.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

BRIAN L. SCHMIDT ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 359-3267

Date

11/6/06

By

Peter C. Maki

Reg. No. 42,832

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Attn-Mail Stop RCE/ Commissioner for Patents, P.O. Box 1450/ Alexandria, VA 22313-1450, on this 6 day of November, 2006

Name

Pamela S. Smith

Signature

Pamela S. Smith